

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 168973)  
Chief, Criminal Division

AARON D. WEGNER (CABN 243809)  
Assistant United States Attorney

450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6831  
Facsimile: (415) 436-6982  
E-mail: aaron.wegner@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TOMAS CASTANEDA, )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )

No. CR-09-00079-MHP

~~PROPOSED~~ ORDER AND  
STIPULATION CONTINUING CHANGE  
OF PLEA HEARING AND EXCLUDING  
TIME FROM MARCH 8, 2010 TO  
MARCH 29, 2010, FROM THE SPEEDY  
TRIAL ACT CALCULATION (18 U.S.C.  
§ 3161(h)(8)(A))

A change of plea hearing is currently set in this matter for March 8, 2010. The parties are currently engaged in plea negotiations and need further time to attempt to resolve the case. As part of their negotiations, the parties are discussing a Pre-plea Report that was prepared in this case. Therefore, the parties request that the Court continue the change of plea hearing until March 29, 2010. In addition, the parties agree that the additional time requested by this stipulation is excludable in computing time within which the trial here must commence pursuant to the Speedy Trial Act.

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1 The parties agree, and the Court finds and holds, as follows:

2 1. The defendant agrees to an exclusion of time under the Speedy Trial Act from  
3 March 8, 2010, through March 29, 2010, based upon the need for effective preparation of counsel  
4 and to provide the Probation Office with adequate time to prepare a Pre-Plea Report. The  
5 defendant agrees to this exclusion on the condition that his right to bring motions claiming  
6 Speedy Trial Act violations prior to March 8, 2010, shall remain preserved.

7 2. Counsel for the defense believes that the exclusion of time is in his client's best  
8 interest.

9 3. Given these circumstances, the Court finds that the ends of justice served by excluding  
10 the period from March 8, 2010, through March 29, 2010, outweigh the best interest of the public  
11 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

12 4. Accordingly, and with the consent of the defendant, the Court orders the period from  
13 March 8, 2010, through March 29, 2010, shall be excluded from Speedy Trial Act calculations  
14 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

15 5. The change of plea hearing scheduled for March 8, 2010 is vacated and continued to  
16 March 29, 2010 at 10:00 a.m.

17  
18 STIPULATED:

19  
20 DATED: February 24, 2010

/s/  
\_\_\_\_\_  
JOHN YZURDIAGA  
Attorney for Defendant

22 DATED: February 24, 2010

/s/  
\_\_\_\_\_  
AARON D. WEGNER  
Assistant United States Attorney

24  
25 IT IS SO ORDERED.

26  
27 DATED: 2/25/2010

